

In the United States District Court
For the District of Puerto Rico

The United States of America,
Plaintiff
vs.,
Enmanuel Medina-Valdez,
Defendant.

Criminal No.: 17-604 (JAG)

Sentencing Memorandum

To the Honorable Jay A. Garcia

When Enmanuel Medina-Valdez was a baby, his mother and father left the Dominican Republic to the United States. They were approved a visa, and left in search of better job opportunities. They left all of their kids back home. Enmanuel was months old when his mother left the Dominican Republic. He was left under the care of his maternal aunt, whom raised him as her own child. Enmanuel has happy childhood memories growing up under the care of his aunt.

With his parents in the United States working and sending money to support the family in the Dominican Republic, is only natural that Enmanuel tried his luck in the United States. Just like his parents did, Enmanuel left his 2 underage children and relocated to Puerto Rico seeking jobs that paid fair wages. For some time he was able to work and send money to his children and other family members.

Mr. Medina-Valdez, like his parents, came from the Dominican Republic to Puerto Rico in search of a better life. He risked his life and liberty navigating

the hazardous waters of the Mona Passage just to have the opportunity to work in U.S. soil and earn enough money to support himself and loved ones in the Dominican Republic.

In 2016, Enmanuel's mother, who was already living in the Dominican Republic, passed away suddenly. With such sad news, Enmanuel purchased a plane ticket to go to the Dominican Republic to attend his mother's funeral. It was on this trip that he was apprehended by the United States Immigration authorities and removed from the United States. This was his first encounter with immigration problems.

After spending time with his family, Enmanuel returned to Puerto Rico, illegally, to continue to work and support his children. He acknowledges this was not the best decision, but his desperation to provide for his family was motivation enough to risk his life and liberty.

On November 19, 2017 – tragedy struck again. This time, Enmanuel learned his father had passed away. He had been out all night drinking his sorrows and sadness, trying to keep him mind off the tragedy when he was arrested by the authorities and brought to this Court for the proceedings in this case. Enmanuel was distraught, confused and lost all hope. He was mourning the loss of his father while in handcuffs and in a detention center.

Mr. Medina-Valdez, who has no history of substance abuse, is repentant and accepts responsibility for his actions. As previously stated, the decision to come illegally to Puerto Rico was purely for family and financial reasons. He is thankful that nothing happened to him on the trip to the United States and that

no matter what happens, after he is done serving the sentence to be imposed by this Court, he will be able to be present in the lives of his children who are waiting for him back home.

Enmanuel understands that he committed a serious crime, and takes full and complete responsibility for his conduct as per the charged offense. He deeply regrets re-entering United States territory without permission. He has learned from experience. He lost his friends, he lost time with loved ones and he is now “un criminal”. He understands that he must stand accountable for his conduct and accept the consequences, which include the sentence imposed by this Court and deportation.

Mr. Medina-Valdez has been detained since November 20, 2017. At the time of sentencing, he will have been imprisoned for 4 months. Based on a total offense of 6 and a criminal history category of I, the guideline imprisonment range is of 0 to 6 months of imprisonment.

Enmanuel respectfully requests this Court takes into consideration that, as an illegal alien, he is subject to removal proceedings. Once he is sentenced by this Honorable Court and finishes serving the term of imprisonment imposed, he is subject to additional administrative detention while he awaits removal to the Dominican Republic. This process could take up to 2 to 3 months. Therefore, Enmanuel wishes this Court takes that time into consideration when imposing the sentence, ensuring he is not subjected to more incarceration than warranted.

A sentence of time-served is sufficient but not greater than necessary to serve the goals of sentencing. A sentence of time-served also ensures that Mr. Medina-Valdez is not subjected to more incarceration than is warranted.

Wherefore, it is respectfully requested that this Honorable Court sentence Mr. Medina-Valdez to TIME SERVED.

I hereby certify, that on this date I electronically filed the present motion with the Clerk of the Court using the CM/ECF system which will send electronic notification of said filing to all parties of record.

Respectfully submitted.

In San Juan, Puerto Rico, on March 15, 2018.

Eric A. Vos
Federal Public Defender
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